

**Amendments to the Drawings:**

The attached replacement drawing sheets make changes to Figs. 6, 8 and 9 and replace the original sheets with Figs. 6, 8 and 9.

Attachment: Replacement Sheets (2)

**REMARKS**

Claims 1, 3-11 and 13-20 are pending in this application, claims 11 and 13-20 having been withdrawn from consideration. By this Amendment, claims 1, 3, 4, 9, 11, 13 and 14 are amended. Support for the amendments to claims 1, 3, 4, 9, 11, 13 and 14 can be found in the specification as originally filed, for example, at page 9, lines 13-23, and page 11, line 20 – page 12, line 10, and in claims 1-3, 4, 9, 11-13 and 14 as originally filed. In addition, Figs. 6, 8 and 9 are amended. Support for the amendments to Figs. 6, 8 and 9 can be found in the specification as originally filed, for example, at page 8, lines 12-15, and in Figs. 6, 8 and 9 as originally filed. No new matter has been added by these amendments.

**I. Objections to the Drawings**

The Office Action objects to Figs. 6, 8 and 9 for various informalities. While Applicants do not necessarily agree with these objections, Figs. 6, 8 and 9 are amended herein. Reconsideration and withdrawal of the objections are respectfully requested.

**II. Rejections under 35 U.S.C. §112**

The Office Action rejects claims 3 and 4 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. While Applicants do not necessarily agree with these rejections, claims 3 and 4 are amended herein to more clearly set forth the subject matter therein. Reconsideration and withdrawal of the rejections are respectfully requested.

**III. Rejections under 35 U.S.C. §103**

The Office Action rejects claims 1, 5-7, 9 and 10 under 35 U.S.C. §103(a) over Japanese Patent Application Publication No. JP 2003-241418 (JP 418). The Office Action separately rejects claims 3 and 4 under 35 U.S.C. §103(a) over JP 418. The Office Action further rejects claim 2 under 35 U.S.C. §103(a) over JP 418, as applied to claim 1, in combination with Diamond, HANDBOOK OF IMAGING MATERIALS, page 169. The Office

Action also rejects claim 8 under 35 U.S.C. §103(a) over JP 418, as applied to claim 1, in combination with Diamond, pages 168-169. By this Amendment, claim 2 is canceled.

Applicants respectfully submit that the rejections of the pending claims are improper.

These rejections are improper because Applicant's priority date precedes the publication date of JP-418. JP-418 was filed in Japan on February 18, 2002, and published on August 27, 2003. The instant application, however, was filed on November 24, 2003, claiming priority based on a Japanese patent application, JP 2002-345715, that was filed November 28, 2002. A certified copy of the Japanese patent application was filed on February 5, 2004, and a verified English-translation thereof is filed herewith. As the instant claims are fully supported by the priority document, JP-418 is not prior art to the instant application, and the rejections must be withdrawn.

#### **IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3-11 and 13-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JMS/jms

Attachments:

English-language Translation of JP 2002-345715

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